

**Report on the United States' Compliance with Its Human Rights Obligations Concerning
the Health, Safety, and Rights of Lesbian, Gay, Bisexual, and Transgender People**

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The Human Rights Campaign (HRC) is the largest organization in the United States specifically working towards achieving civil rights for LGBT people. HRC represents a force of more than 1.5 million members and supporters nationwide. Founded in 1980, HRC advocates on behalf of LGBT Americans, mobilizes grassroots actions in diverse communities, invests strategically to elect fair-minded individuals to office, and educates the public about LGBT issues.

Endorsing Organizations:

National Center for Lesbian Rights
Services and Advocacy for GLBT Elders (SAGE)
Lambda Legal

Executive Summary

1. The United States government has taken measurable steps towards improving the lives of LGBT Americans over the past five years. Increasing levels of relationship recognition on the state and federal levels has provided many same-sex couples with greater stability—both economic and emotional. The federal government has also ended the ban on military service for lesbian, gay, and bisexual people, and has passed and implemented federal hate crime prevention legislation with protections for sexual orientation and gender identity. Despite these notable advances, homophobia and transphobia continue to harm members of the LGBT community.
2. Access to quality, healthcare remains out of reach for many LGBT people as HIV infection and aging issues continue to negatively impact health outcomes for this community. Many LGBT people face violence on a daily basis on the street, at school, and at home. In the absence of federal nondiscrimination protections, LGBT people continue to suffer discrimination in housing, employment, education and public accommodations with limited federal recourse. In addition to its psychological impact, LGBT couples, particularly those living in jurisdictions without full relationship recognition, shoulder the financial burdens of marriage discrimination. These couples often find themselves excluded from the most basic federal safety net and poverty programs.
3. This report, therefore, is intended to direct the Committee’s attention to serious and ongoing human rights violations experienced by LGBT individuals living in the United States, and to provide suggested actions and remedies the United States should pursue.

Information on NGO

4. The Human Rights Campaign (HRC) is the largest organization in the United States specifically working towards achieving civil rights for LGBT people. HRC represents a force of more than 1.5 million members and supporters nationwide. Founded in 1980, HRC advocates on behalf of LGBT Americans, mobilizes grassroots actions in diverse communities, invests strategically to elect fair-minded individuals to office, and educates the public about LGBT issues.

Health Disparities, Access to Culturally Competent Quality Health Care

5. Currently, there are no clear federal requirements prohibiting discrimination on the basis of sexual orientation or gender identity in hospitals and urgent care centers nationwide. In a recent study, 56 percent of LGB people and 70 percent of transgender and gender non-conforming people reported experiencing discrimination by healthcare providers--including refusal of care, harsh language, and physical roughness--because of their sexual orientation or gender identity.
6. Delay and avoidance of care due to fear of discrimination compounds the significant health disparities experienced by LGBT people as a group. One in five LGBT elders report little or no confidence that medical personnel will treat them with dignity and respect as they age, while one in four transgender people reported avoiding seeking treatment fearing discrimination by healthcare providers.
7. The HIV epidemic continues to disproportionately impact gay and bisexual men, transgender women, youth ages 13-24, and communities of color, particularly in the

southern United States. There remains no cure, and tens of thousands of new infections occur every year. Insufficient funding for HIV programs, as well as prevention methods that are not scientifically sound coupled with persistent stigma and discrimination, hamper efforts to fight the epidemic and provide care to those living with HIV.

Solutions

8. The federal government has the power to prohibit discrimination in hospitals, urgent care, clinics, and nursing homes and assisted living facilities through regulatory policy making. The Department of Health and Human Services should evaluate existing non-discrimination protections that bind healthcare providers and ensure that LGBT people are included alongside other protected classes.
9. The federal government should commit to increasing funding specifically responding to the HIV epidemic by supporting much needed research, programs focused on decreasing the rate of new infections, and conducting outreach to specific communities most impacted by the epidemic.

Violence Against the LGBT Community

10. Hate crimes occur when a perpetrator of a crime intentionally selects a victim based on a bias-motivation against a protected group. These crimes may be motivated by the victim's actual or perceived race, color, religion, national origin, gender, sexual orientation, gender identity, or disability. Such crimes are generally motivated by extreme prejudice and often visceral animus toward the protected group to which the perpetrator assumes the victim belongs. As such, a hate crime affects not only the victim and his or her family but an entire community or category of people and their families. The LGBT community, particularly transgender women, continues to be victimized by these types of bias-motivated crimes.
11. The Federal Bureau of Investigation (FBI) produces an annual report on hate crimes statistics within the United States, compiled by states, cities, and towns. The FBI's 2013 report recorded that 1,730 law enforcement agencies reported 5,796 hate crime incidents involving 6,718 offenses in 2012. Of those, 19.6 percent of all hate crimes were motivated by sexual orientation.
12. FBI statistics for hate crimes based on gender identity are not yet available; however one independent report found that 50 percent of people who died in violent hate crimes against LGBT people were transgender women.

Domestic Violence

13. Studies indicate that LGBT people experience domestic violence at roughly the same rate as the general population. Unfortunately, many LGBT victims do not receive the services they need because service providers and law enforcement are not engaged in outreach to the LGBT community, lack the cultural competency to effectively work with LGBT victims, or do not have access to funding for appropriate services.

Elder Abuse and Isolation

14. As they enter their later years, LGBT older adults and their families are forced to navigate unique, complex barriers, often without the traditional support systems many seniors take for granted. Discrimination in housing, employment, and healthcare has made many LGBT older adults vulnerable to an increased risk for social isolation and higher poverty rates. The lack of relationship recognition, continued harassment by peers

and healthcare providers, and the impact of lifelong discrimination silences many LGBT older adults and their families.

15. LGBT seniors also have lower rates of homeownership due to lifelong employment and housing discrimination. Few states have extended protections to keep a same-sex spouse from being forced to move from the couple's home as a result of a partner's illness and Medicaid income eligibility requirements. In the absence of a support or caregiving network, a long term-assisted living facility is often the only option when an LGBT older adult becomes disabled or is otherwise unable to afford rent, and in the absence of federal protections from discrimination, such facilities may not be welcoming or affirming of an LGBT individual. This leaves thousands of aging LGBT individuals vulnerable to physical and mental abuse by caregivers ill-equipped to work with this growing population.

Bullying

16. Bullying and harassment of LGBT students, as well as students perceived to be LGBT, is widespread. Studies have shown that bullying and harassment of LGBT youth contribute to high rates of absenteeism, dropout, adverse health consequences and academic underachievement. While current federal law provides important support to promote school safety, it does not comprehensively and expressly focus on bullying or harassment and fails to fully address the unique challenges faced by LGBT youth.

Solutions

17. Currently, hate crime reporting by law enforcement agencies is voluntary. As a result, thousands of law enforcement agencies do not report hate crimes data at all. Given the weight and authority of the annual FBI report on hate crimes, states should mandate reporting by law enforcement agencies to the FBI to ensure a more complete picture of the state of hate-based violence against LGBT individuals.
18. In 2009, Congress passed the Matthew Shepard and James Byrd, Jr. Hate Crimes Prevention Act (HCPA), the first federal law protecting LGBT individuals. However, the HCPA only protects LGBT victims from violent crimes where the federal government has jurisdiction over the underlying criminal act. Since most crimes in the U.S. are still prosecuted at the state level, LGBT victims remain particularly vulnerable to hate crimes in the 35 states that do not provide protections for individuals based on gender identity, and in the 20 states that do not provide protections for individuals based on sexual orientation. Passage of state level hate crimes laws allows states to prosecute hate crimes without a federal nexus.
19. The federal government plays an essential role in helping law enforcement, communities, and schools implement effective hate crimes prevention programs and activities. A federal anti-bias education effort would encourage a proactive commitment by communities to challenging prejudice, stereotyping, and discrimination.
20. In 2013, Congress passed the Violence Against Women's Reauthorization (VAWA) Act, which incorporated important protections for LGBT individuals. It prohibits any program or activity funded by the bill from discriminating against a victim based on actual or perceived sexual orientation or gender identity. Since the law's implementation enactment, the Department of Justice released Frequently Asked Questions (FAQ) to help grantees that receive federal funding better understand their obligations under the nondiscrimination provision of the law. The Department of

Justice's recent FAQ's on VAWA's nondiscrimination provisions should be formalized through the regulatory process, as has been done with every other major piece of civil rights legislation

21. Congress should pass the Safe Schools Improvement Act which would amend the Elementary and Secondary Education Act (ESEA) to require school districts in states that receive ESEA funds to adopt codes of conduct specifically prohibiting bullying and harassment, including on the basis of race, color, national origin, sex, disability, sexual orientation, gender identity, and religion.

Economic Disparity and Financial Discrimination for Same Sex Couples

22. Same-sex couples, their children, and the growing number of LGBT older adults are at an increased risk of poverty due to systemic discrimination coupled with a lack of uniform relationship recognition. Because of lifelong discrimination, LGBT people-- especially the elderly-- have lower incomes and are less likely to be able to save for retirement or disability.
23. Transgender people often find that their marriages are unrecognized even when their partner is of the opposite-sex either because their state fails to honor their gender transition or because the process of changing identity documents is onerous and expensive. Recent studies show that transgender people are four times as likely to have a household income under \$10,000.
24. Older bisexual women, lesbians, and couples experience a stark income gap that is the result of years of living at the intersection of compounding inequality caused by occupational segregation, pay inequality, increased caregiving responsibilities that take women out of the workforce, and discrimination based on sexual orientation. Lesbian couples over the age of 65 are twice as likely to be living in poverty as heterosexual married couples and older African American lesbian couples have the highest incidence of poverty of all couples. After living a lifetime experiencing discrimination based on sex and sexual orientation, these lesbian and bisexual women are increasingly vulnerable and dependent upon federal benefits.

Geographic Disparity and Access to Federal Benefits

25. Despite a significant increase in federal relationship recognition for same-sex couples living in states that recognize their marriage, same-sex couples living in states without marriage recognition remain excluded from Social Security and Veterans spousal benefits.
26. Denial of spousal recognition for Veterans Benefits not only results in lower household incomes, but can cause decreased access to healthcare, mortgage assistance, and other benefits made available to all married different-sex couples and same-sex couples living in marriage equality states. This categorical denial based solely on state of residence compounds other regional hardships caused by lacking discrimination protection.

Solutions

27. Federal Social Security and Veterans Benefits statutes currently provide benefits for spouses of deceased, disabled, or retired workers and veterans. However, narrow statutory language inhibits the Social Security Administration and the Department of Veterans Affairs from recognizing every lawfully married same-sex couple for purposes of these benefits. Congress should amend the necessary authorizing statutes to ensure all

same-sex spouses, regardless of where they live, are eligible to receive equal benefits following the death, retirement, or disability of their loved one

General Nondiscrimination

Housing/Homelessness

28. LGBT couples continue to suffer from barriers to accessing housing, both as renters and prospective homebuyers. The Department of Housing and Urban Development has drafted federal regulations prohibiting discrimination in federally assisted housing including loans guaranteed by the federal government. However, LGBT people must still rely on a patchwork of state level protections when seeking housing on the private market. In the absence of federal housing discrimination protections, lesbian, gay, bisexual, and particularly transgender and gender non-conforming people routinely experience discrimination in renting and purchasing a home.
29. Homelessness and housing insecurity is a growing problem confronting LGBT individuals of all ages across the country. The economic downturn continues to disproportionately impact lower income LGBT families and individuals.
30. LGBT youth are at an increased risk for homelessness, in fact studies have shown that 20-40% of homeless youth identify as LGBT. As the average age of coming out drops, LGBT children are faced with family rejection at a younger, more vulnerable age. Many LGBT youth report their identity as being directly linked to their homelessness.
31. Many transgender individuals experiencing homelessness turn to emergency shelters for relief. All too often, however, they are turned away solely based on their gender identity, or are not permitted access to the appropriate housing for their gender. This is unsafe and many homeless transgender individuals may have no other choice but to stay on the street—exposed to the elements and the possibility of bias-motivated violence.

Public Accommodation

32. In the absence of federal protection against discrimination in places of public accommodation, many LGBT people remain vulnerable to harmful—and often threatening—discrimination. Without uniform federal protections, LGBT people report experiencing discrimination on public transportation, at bars and restaurants, at hotels, and many other aspects of public life.
33. Recent studies have shown that more than half of transgender people have experienced unequal treatment or have been verbally harassed in areas of public accommodation because of their gender identity.

Transgender Military Service

34. In late 2010, Congress passed the *Don't Ask, Don't Tell Repeal Act*, which paved the way for LGB individuals to serve openly in the United States armed forces. Unfortunately, transgender individuals are still unable to serve openly. According to one report, an estimated 15,500 transgender individuals currently serve in the military but could be separated from the armed forces if they express publicly their true gender identity.

Employment

35. Discrimination in hiring and employment continues to plague the LGBT community, exacerbating financial hardship and economic disparities for LGBT individuals and their families. There is no federal law that explicitly and consistently protects LGBT

individuals from employment discrimination. Only 19 states provide explicitly employment protections on the basis of sexual orientation and gender identity.

36. Recent studies have shown that transgender people are twice as likely to be unemployed as the typical person in the U.S. Ninety percent of those surveyed reported experiencing harassment, mistreatment, or discrimination on the job.

Education

37. LGBT students are subject to pervasive discrimination at all levels of education, including being deprived of equal educational. Numerous social science studies demonstrate that discrimination at school has contributed to high rates of absenteeism, dropout, and academic underachievement among LGBT youth.

Solutions

38. Congressional action prohibiting discrimination in housing, public accommodation, employment, and education would be a critical step towards ending these persistent threats to the LGBT community's health and wellbeing. Legislation covering sexual orientation and gender identity, in both the public and private sectors, would simply provide all Americans with basic protection from discrimination based on irrational prejudice.
39. The current policy prohibiting transgender military service could be amended through a regulatory or policy review and is within the purview of the President as Commander-in-Chief of the Armed Forces and the U.S. Secretary of Defense. Rather than making determinations about fitness to serve on an individualized basis, the current regulations place a blanket disqualifier on service for those who have been diagnosed with Gender Identity Disorder – regardless of whether that diagnosis inhibits a person's ability to perform his or her duties.